

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL 2724 16-md-2724
THIS DOCUMENT RELATES TO: <i>The State of Connecticut et al v. Aurobindo Pharma USA, Inc., et al</i>	HON. CYNTHIA M. RUFÉ Civil Action No.: 17-cv-3768-CMR

**DEFENDANTS' MOTION FOR LEAVE TO FILE A RESPONSE IN FURTHER
SUPPORT OF THEIR NOTICE OF SUPPLEMENTAL AUTHORITY**

If the Court should grant the States' Motion for Leave of Court to File a Proposed Response to Defendants' Notice of Supplemental Authority, Dkt. 237, Defendants respectfully request that Defendants also be granted leave to file a brief in response, attached as Exhibit 1. The States argue in their Proposed Response that the Supreme Court's decision in *AMG Capital Management, LLC v. FTC* is irrelevant to the pending motions to dismiss the States' complaints. 141 S. Ct. 1341 (2021). But the States ignore key aspects of the *AMG Capital* decision and omit the fact that the decision directly impacts numerous cases cited in both parties' briefing on the pending motions to dismiss. Defendants' proposed response addresses these omissions and demonstrates that *AMG Capital's* relevance to the pending motions to dismiss the States' disgorgement claims is beyond dispute.

Dated: May 28, 2021

/s/ Sheron Korpus

Sheron Korpus
Seth A. Moskowitz
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, NY 10019
Tel: (212) 506-1700
Fax: (212) 506-1800
skorpus@kasowitz.com
smoskowitz@kasowitz.com

*Counsel for Defendants Actavis Pharma,
Inc. and Actavis Holdco U.S., Inc.*

/s/ Steven E. Bizar

Steven E. Bizar
John P. McClam
Tiffany E. Engsell
DECHERT LLP
2929 Arch Street
Philadelphia, PA 19104
Tel: (215) 994-4000
steven.bizar@dechert.com
john.mcclaim@dechert.com
tiffany.engsell@dechert.com

Counsel for Defendant Citron Pharma LLC

Respectfully submitted,

/s/ Benjamin F. Holt

Benjamin F. Holt
Adam K. Levin
Justin W. Bernick
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004
Telephone: (202) 637-5600
benjamin.holt@hoganlovells.com
adam.levin@hoganlovells.com
justin.bernick@hoganlovells.com

Jasmeet K. Ahuja
HOGAN LOVELLS US LLP
1735 Market Street, 23rd Floor
Philadelphia, PA 19103
Telephone: (267) 675-4600
jasmeet.ahuja@hoganlovells.com

*Counsel for Defendant Mylan
Pharmaceuticals Inc.*

/s/ Jason R. Parish

Jason R. Parish
Bradley J. Kitlowski
**BUCHANAN INGERSOLL & ROONEY
PC**
1700 K Street, NW
Washington, D.C. 20006
Tel: (202) 452-7900
Fax: (202) 452-7989

*Counsel for Defendant Zydus
Pharmaceuticals (USA), Inc.*

/s/ W. Gordon Dobie

W. Gordon Dobie
WINSTON & STRAWN LLP
35 W. Wacker Dr.
Chicago, IL 60601
Tel: (312) 558-5600
Fax: (312) 558-5700
WDobie@winston.com

Irving Wiesen
**LAW OFFICES OF IRVING L.
WIESEN, P.C.**
420 Lexington Avenue - Suite 2400
New York, NY 10170
Tel: (212) 381-8774
Fax: (646) 536-3185
iwiesen@wiesenlaw.com

*Counsel for Defendant Ascend Laboratories,
LLC*

/s/ Wayne A. Mack

Wayne A. Mack
Sean P. McConnell
Sarah O'Laughlin Kulik
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103
Tel: (215) 979-1152
wamack@duanemorris.com
spmccconnell@duanemorris.com
sckulik@duanemorris.com

*Counsel for Defendant Aurobindo Pharma
USA, Inc.*

/s/ Roger Kaplan

Roger Kaplan
Aaron Van Nostrand
GREENBERG TRAURIG, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932
Tel: (973) 360-7900
Fax: (973) 295-1257
kaplanr@gtlaw.com
vannostranda@gtlaw.com

*Counsel for Defendant Dr. Reddy's
Laboratories, Inc.*

/s/ Saul P. Morgenstern

Saul P. Morgenstern
Margaret A. Rogers
Alice C.C. Huling
**ARNOLD & PORTER KAYE
SCHOLER LLP**
250 West 55th Street
New York, NY 10019
Tel: (212) 836-8000
Fax: (212) 836-8689
saul.morgenstern@apks.com
margaret.rogers@apks.com
alice.huling@apks.com

Laura S. Shores
**ARNOLD & PORTER KAYE
SCHOLER LLP**
601 Massachusetts Avenue, NW
Washington, DC 20001
Tel: (202) 942-5000
Fax: (202) 942-5999
laura.shores@apks.com

Counsel for Defendant Sandoz Inc.

/s/ J. Gordon Cooney, Jr.

J. Gordon Cooney, Jr.
John J. Pease, III
Alison Tanchyk
William T. McEnroe
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Tel: (215) 963-5000
Fax: (215) 963-5001
jgcooney@morganlewis.com
john.pease@morganlewis.com
alison.tanchyk@morganlewis.com
william.mcenroe@morganlewis.com

Amanda B. Robinson
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Tel: (202) 739-3000
Fax: (202) 739-3001
amanda.robinson@morganlewis.com

*Counsel for Defendant Teva
Pharmaceuticals USA, Inc.*

/s/ Steven A. Reed

Steven A. Reed
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Tel: (215) 963-5603
Fax: (215) 963-5001
steven.reed@morganlewis.com

*Counsel for Defendant Glenmark
Pharmaceuticals Inc., USA*

s/ Ryan T. Becker

Gerald E. Arth
Ryan T. Becker
Nathan M. Buchter
FOX ROTHSCHILD LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103
Tel: (215) 299-2000
Fax: (215) 299-2150
garth@foxrothschild.com
rbecker@foxrothschild.com
nbuchter@foxrothschild.com

George G. Gordon
Julia Chapman
DECHERT LLP
2929 Arch Street
Philadelphia, PA 19104
Tel: (215) 994-2000
Fax: (215) 994-2222
george.gordon@dechert.com
julia.chapman@dechert.com

*Counsel for Defendant Lannett Company,
Inc.*

/s/ Edward B. Schwartz

Edward B. Schwartz
Andrew C. Bernasconi
REED SMITH LLP
1301 K Street NW, Ste. 1000
Washington, D.C. 20005
Tel: (202) 414-9200
Fax: (202) 414-9299
escswartz@reedsmith.com
abernasconi@reedsmith.com

Nicholas V. Albu
REED SMITH LLP
7900 Tysons One Place, Suite 500
McLean, VA 22102
Tel: (703) 641-4200
Fax: (703) 641-4340
nalbu@reedsmith.com

*Counsel for Defendant Heritage
Pharmaceuticals Inc.*

/s/ John E. Schmidtlein

John E. Schmidtlein
Sarah F. Kirkpatrick
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
jschmidtlein@wc.com
skirkpatrick@wc.com

*Counsel for Defendant Par Pharmaceutical
Companies, Inc.*

/s/ Michael Martinez

Michael Martinez
Steven Kowal
Lauren Norris Donahue
Brian J. Smith
K&L GATES LLP
70 W. Madison St., Suite 3100
Chicago, IL 60602
Tel: (312) 372-1121
Fax: (312) 827-8000
michael.martinez@klgates.com
steven.kowal@klgates.com
lauren.donahue@klgates.com
brian.j.smith@klgates.com

Counsel for Defendant Mayne Pharma Inc.

/s/ Robert J. Cleary

Robert J. Cleary
Dietrich L. Snell
David A. Munkittrick
Edward Canter
PROSKAUER ROSE LLP
11 Times Square
New York, NY 10036
Tel: (212) 969-3000
rjcleary@proskauer.com
dsnell@proskauer.com
dmunkittrick@proskauer.com
ecanter@proskauer.com

Counsel for Defendant Rajiv Malik

/s/ James W. Matthews

James W. Matthews

Katy E. Koski

John F. Nagle

FOLEY & LARDNER LLP

111 Huntington Avenue

Boston, MA 02199

Tel: (617) 342-4000

Fax: (617) 342-4001

jmatthews@foley.com

kkoski@foley.com

jnagle@foley.com

James T. McKeown

Elizabeth A. N. Haas

Kate E. Gehl

FOLEY & LARDNER LLP

777 East Wisconsin Avenue

Milwaukee, WI 53202-5306

Tel: (414) 271-2400

Fax: (414) 297-4900

jmckeown@foley.com

ehaas@foley.com

kgehl@foley.com

Steven F. Cherry

April N. Williams

Claire Bergeron

WILMER CUTLER PICKERING

HALE AND DORR LLP

1875 Pennsylvania Avenue, NW

Washington, D.C. 20006

Tel: (202) 663-6000

Fax: (202) 663-6363

steven.cherry@wilmerhale.com

april.williams@wilmerhale.com

claire.bergeron@wilmerhale.com

Terry M. Henry

Melanie S. Carter

BLANK ROME LLP

One Logan Square

130 North 18th Street

Philadelphia, PA 19103

Tel: (215) 569-5644

Fax: (215) 832-5644

THenry@blankrome.com

MCarter@blankrome.com

Counsel for Defendant Apotex Corp.

/s/ Erik T. Koons

John M. Taladay

Erik T. Koons

Stacy L. Turner

Christopher P. Wilson

BAKER BOTTS LLP

700 K Street NW

Washington, DC 20001

Tel: (202) 639-7700

Fax: (202) 639-7890

john.taladay@bakerbotts.com

erik.koons@bakerbotts.com

stacy.turner@bakerbotts.com

christopher.wilson@bakerbotts.com

Lauri A. Kavulich

Ann E. Lemmo

CLARK HILL PLC

2001 Market St, Suite 2620

Philadelphia, PA 19103

Tel: (215) 640-8500

Fax: (215) 640-8501

lkavulich@clarkhill.com

alemmono@clarkhill.com

Lindsay S. Fouse

CLARK HILL PLC

301 Grant St, 14th Floor

Pittsburgh, PA 15219

Tel: (412) 394-7711

Fax: (412) 394-2555

lfouse@clarkhill.com

*Counsel for Defendant Sun Pharmaceutical
Industries, Inc.*

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL 2724 16-md-2724
THIS DOCUMENT RELATES TO: <i>The State of Connecticut et al v. Aurobindo Pharma USA, Inc., et al</i>	HON. CYNTHIA M. RUFE Civil Action No.: 17-cv-3768-CMR

**DEFENDANTS' RESPONSE IN FURTHER SUPPORT OF THEIR
NOTICE OF SUPPLEMENTAL AUTHORITY**

In *AMG Capital Management, LLC v. FTC*, the Supreme Court held that the FTC could not obtain disgorgement under Section 13(b) of the FTC Act, a statutory provision that (1) only provides for injunctive relief, *i.e.*, “relief that is prospective, not retrospective,” and (2) falls within a statute that has separate provisions authorizing backward-looking monetary relief. 141 S. Ct. 1341, 1347–48 (2021). Among other forms of relief not at issue here, the States seek disgorgement under Section 16 of the Clayton Act, 15 U.S.C. § 26, but Section 16 does not authorize disgorgement as a remedy. Section 16, like Section 13(b) of the FTC Act, only provides for injunctive relief “against threatened loss or damage”—meaning future harm—and is part of a statutory scheme with separate provisions permitting recovery of backward-looking monetary relief that the States have elected not to use. *Compare* 15 U.S.C. § 26 *with* 15 U.S.C. § 15. Because of the similarity of the relevant portions of these statutes, cases addressing the FTC’s power to seek disgorgement under Section 13(b) of the FTC Act animated the parties’ briefing on the States’ ability to obtain disgorgement in this case. Indeed, the States bolstered their claims for disgorgement by relying upon cases now *overturned* by the Supreme Court’s decision in *AMG*

Capital. See, e.g., State Opposition to Defendants’ Joint Motion to Dismiss the States’ Federal Law Claims for Lack of Standing, Dkt. 121, *Connecticut et al v. Aurobindo Pharma USA, Inc. et al*, 2:17-cv-03768-CMR (May 2, 2019) (citing *FTC v. Cephalon, Inc.*, 100 F. Supp. 3d 433, 437-39 (E.D. Pa. 2015); *FTC v. Bronson Partners, LLC*, 654 F.3d 359, 372 (2d Cir. 2011); *FTC v. Com. Planet, Inc.*, 815 F.3d 593, 601 (9th Cir. 2016), abrogated by *AMG Capital v. FTC*, 141 S. Ct. 1341 (2021)).

Despite invoking cases that interpret the FTC Act and Section 13(b) in past briefing, the States now take the position that *AMG Capital* is irrelevant because the case (1) involved the FTC Act, which also includes separate administrative procedures that the Court highlighted in its opinion, and (2) referenced *Porter v. Warner Holding Co.*, 328 U.S. 395 (1946) and *Mitchell v. Robert DeMario Jewelry, Inc.*, 361 U.S. 288 (1960)—decisions over 50-years-old that maintained broad views of equity jurisdiction. See Dkt. 237, Ex. 1 at 2. The States’ arguments interpret *AMG Capital* too narrowly and overlook that case’s relevance and direction here.

The States first ignore the Supreme Court’s central holding that a statute permitting a plaintiff to obtain an “injunction” does not give the plaintiff the right to obtain “an award of equitable monetary relief.” *AMG Capital*, 141 S. Ct. at 1347. This interpretation applies to Section 16 of the Clayton Act as forcefully as it does to Section 13(b) of the FTC Act.¹ And the States

¹ Compare Section 13(b) of the FTC Act, 15 U.S.C. § 53(b) (“Whenever the Commission has reason to believe—(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission . . . the Commission . . . may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission’s likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, . . . a preliminary injunction may be granted. . . . Provided further, That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction.”) with Section 16 of the Clayton Act, 15 U.S.C. § 26 (plaintiffs may sue for “injunctive relief . . . against threatened loss or damage by a violation of the antitrust laws, . . . when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, . . . a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue”).

ignore that this holding is consistent with the Third Circuit’s recent decision in *FTC v. AbbVie Inc.*, 976 F.3d 327, 376 (3d Cir. 2020), which the parties’ motion to dismiss brief discussed extensively.

Instead, the States cling to *AMG Capital*’s recognition that the Court has at times “interpreted similar language as authorizing judges to order equitable monetary relief.” *AMG Capital*, 141 S. Ct. at 1347 (citing *Porter v. Warner Holding Co.*, 328 U.S. 395 (1946) and *Mitchell v. Robert DeMario Jewelry, Inc.*, 361 U.S. 288 (1960)). But as *AMG Capital* itself acknowledges, the statutes at issue in *Porter* and *Mitchell* featured language substantially broader than Section 16 of the Clayton Act or Section 13(b) of the FTC Act. *AMG Capital*, 141 S. Ct. at 1350. Moreover, *AMG Capital* specifically abrogated a Ninth Circuit decision that relied heavily on the same expansive reading of *Porter* and *Mitchell* that the States posit here. *Id.* (abrogating *FTC v. Com. Planet, Inc.*, 815 F.3d 593, 598–599 (9th Cir. 2016), a decision “grounded” on *Porter* that held that “[w]hile § 19(b) precludes a court from awarding damages when proceeding under § 13(b), it does not eliminate the court’s inherent equitable power to order payment of restitution”). That abrogated decision is also one that the States themselves cited with support in their briefing. *See, e.g.*, Dkt. 121 at 2, *Connecticut et al v. Aurobindo Pharma USA, Inc. et al*, 2:17-cv-03768-CMR.

The Court’s analysis in *AMG Capital*—in particular, its discussion of *Porter* and *Mitchell*—illustrates instead how examination of the “text and structure of [a] statutory scheme” may reveal limitations on permissible equitable remedies. *AMG Capital*, 141 S. Ct. at 1343. The Clayton Act’s statutory structure places the States’ requested remedies in a different section than Section 16: monetary compensation for past harm falls under Section 4 of the Clayton Act, which allows “any person who shall be injured to sue” and recover a monetary remedy. 15 U.S.C. § 15. If the unequivocal language—“injunctive relief”—were not sufficient to foreclose the States’ arguments, the statutory structure certainly is. Following the same “interpretative approach” relied

on in *AMG Capital*, where “the relevant statutory scheme (as here) contain[s] other ‘elaborate enforcement provisions,’ including (as here) provisions that explicitly provide for that form of relief [sought],” then a “grant of equitable authority does not authorize” a monetary remedy. *AMG Capital*, 141 S. Ct. at 1350. *AMG Capital*’s relevance here cannot seriously be contested.

Dated: May 28, 2021

/s/ Sheron Korpus

Sheron Korpus
Seth A. Moskowitz
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, NY 10019
Tel: (212) 506-1700
Fax: (212) 506-1800
skorpus@kasowitz.com
smoskowitz@kasowitz.com

*Counsel for Defendants Actavis Pharma,
Inc. and Actavis Holdco U.S., Inc.*

/s/ Steven E. Bizar

Steven E. Bizar
John P. McClam
Tiffany E. Engsell
DECHERT LLP
2929 Arch Street
Philadelphia, PA 19104
Tel: (215) 994-4000
steven.bizar@dechert.com
john.mcclaim@dechert.com
tiffany.engsell@dechert.com

Counsel for Defendant Citron Pharma LLC

Respectfully submitted,

/s/ Benjamin F. Holt

Benjamin F. Holt
Adam K. Levin
Justin W. Bernick
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW
Washington, D.C. 20004
Telephone: (202) 637-5600
benjamin.holt@hoganlovells.com
adam.levin@hoganlovells.com
justin.bernick@hoganlovells.com

Jasmeet K. Ahuja
HOGAN LOVELLS US LLP
1735 Market Street, 23rd Floor
Philadelphia, PA 19103
Telephone: (267) 675-4600
jasmeet.ahuja@hoganlovells.com

*Counsel for Defendant Mylan
Pharmaceuticals Inc.*

/s/ Jason R. Parish

Jason R. Parish
Bradley J. Kitlowski
**BUCHANAN INGERSOLL & ROONEY
PC**
1700 K Street, NW
Washington, D.C. 20006
Tel: (202) 452-7900
Fax: (202) 452-7989

*Counsel for Defendant Zydus
Pharmaceuticals (USA), Inc.*

/s/ W. Gordon Dobie

W. Gordon Dobie
WINSTON & STRAWN LLP
35 W. Wacker Dr.
Chicago, IL 60601
Tel: (312) 558-5600
Fax: (312) 558-5700
WDobie@winston.com

Irving Wiesen
**LAW OFFICES OF IRVING L.
WIESEN, P.C.**
420 Lexington Avenue - Suite 2400
New York, NY 10170
Tel: (212) 381-8774
Fax: (646) 536-3185
iwiesen@wiesenlaw.com

*Counsel for Defendant Ascend Laboratories,
LLC*

/s/ Wayne A. Mack

Wayne A. Mack
Sean P. McConnell
Sarah O'Laughlin Kulik
DUANE MORRIS LLP
30 S. 17th Street
Philadelphia, PA 19103
Tel: (215) 979-1152
wamack@duanemorris.com
spmccConnell@duanemorris.com
skulik@duanemorris.com

*Counsel for Defendant Aurobindo Pharma
USA, Inc.*

/s/ Roger Kaplan

Roger Kaplan
Aaron Van Nostrand
GREENBERG TRAURIG, LLP
500 Campus Drive, Suite 400
Florham Park, NJ 07932
Tel: (973) 360-7900
Fax: (973) 295-1257
kaplanr@gtlaw.com
vannostranda@gtlaw.com

*Counsel for Defendant Dr. Reddy's
Laboratories, Inc.*

/s/ Saul P. Morgenstern

Saul P. Morgenstern
Margaret A. Rogers
Alice C.C. Huling
**ARNOLD & PORTER KAYE SCHOLER
LLP**
250 West 55th Street
New York, NY 10019
Tel: (212) 836-8000
Fax: (212) 836-8689
saul.morgenstern@apks.com
margaret.rogers@apks.com
alice.huling@apks.com

Laura S. Shores
**ARNOLD & PORTER KAYE SCHOLER
LLP**
601 Massachusetts Avenue, NW
Washington, DC 20001
Tel: (202) 942-5000
Fax: (202) 942-5999
laura.shores@apks.com

Counsel for Defendant Sandoz Inc.

/s/ J. Gordon Cooney, Jr.

J. Gordon Cooney, Jr.

John J. Pease, III

Alison Tanchyk

William T. McEnroe

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103

Tel: (215) 963-5000

Fax: (215) 963-5001

jgcooney@morganlewis.com

john.pease@morganlewis.com

alison.tanchyk@morganlewis.com

william.mcenroe@morganlewis.com

Amanda B. Robinson

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, NW

Washington, D.C. 20004

Tel: (202) 739-3000

Fax: (202) 739-3001

amanda.robinson@morganlewis.com

Counsel for Defendant Teva

Pharmaceuticals USA, Inc.

/s/ Steven A. Reed

Steven A. Reed

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103

Tel: (215) 963-5603

Fax: (215) 963-5001

steven.reed@morganlewis.com

Counsel for Defendant Glenmark

Pharmaceuticals Inc., USA

s/ Ryan T. Becker

Gerald E. Arth

Ryan T. Becker

Nathan M. Buchter

FOX ROTHSCHILD LLP

2000 Market Street, 20th Floor

Philadelphia, PA 19103

Tel: (215) 299-2000

Fax: (215) 299-2150

garth@foxrothschild.com

rbecker@foxrothschild.com

nbuchter@foxrothschild.com

George G. Gordon

Julia Chapman

DECHERT LLP

2929 Arch Street

Philadelphia, PA 19104

Tel: (215) 994-2000

Fax: (215) 994-2222

george.gordon@dechert.com

julia.chapman@dechert.com

*Counsel for Defendant Lannett Company,
Inc.*

/s/ Edward B. Schwartz

Edward B. Schwartz
Andrew C. Bernasconi
REED SMITH LLP
1301 K Street NW, Ste. 1000
Washington, D.C. 20005
Tel: (202) 414-9200
Fax: (202) 414-9299
escswartz@reedsmith.com
abernasconi@reedsmith.com

Nicholas V. Albu
REED SMITH LLP
7900 Tysons One Place, Suite 500
McLean, VA 22102
Tel: (703) 641-4200
Fax: (703) 641-4340
nalbu@reedsmith.com

*Counsel for Defendant Heritage
Pharmaceuticals Inc.*

/s/ John E. Schmidtlein

John E. Schmidtlein
Sarah F. Kirkpatrick
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
jschmidtlein@wc.com
skirkpatrick@wc.com

*Counsel for Defendant Par Pharmaceutical
Companies, Inc.*

/s/ Michael Martinez

Michael Martinez
Steven Kowal
Lauren Norris Donahue
Brian J. Smith
K&L GATES LLP
70 W. Madison St., Suite 3100
Chicago, IL 60602
Tel: (312) 372-1121
Fax: (312) 827-8000
michael.martinez@klgates.com
steven.kowal@klgates.com
lauren.donahue@klgates.com
brian.j.smith@klgates.com

Counsel for Defendant Mayne Pharma Inc.

/s/ Robert J. Cleary

Robert J. Cleary
Dietrich L. Snell
David A. Munkittrick
Edward Canter
PROSKAUER ROSE LLP
11 Times Square
New York, NY 10036
Tel: (212) 969-3000
rjcleary@proskauer.com
dsnell@proskauer.com
dmunkittrick@proskauer.com
ecanter@proskauer.com

Counsel for Defendant Rajiv Malik

/s/ James W. Matthews

James W. Matthews
Katy E. Koski
John F. Nagle
FOLEY & LARDNER LLP
111 Huntington Avenue
Boston, MA 02199
Tel: (617) 342-4000
Fax: (617) 342-4001
jmatthews@foley.com
kkoski@foley.com
jnagle@foley.com

James T. McKeown
Elizabeth A. N. Haas
Kate E. Gehl
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306
Tel: (414) 271-2400
Fax: (414) 297-4900
jmckeown@foley.com
ehaas@foley.com
kgehl@foley.com

Steven F. Cherry
April N. Williams
Claire Bergeron
**WILMER CUTLER PICKERING
HALE AND DORR LLP**
1875 Pennsylvania Avenue, NW
Washington, D.C. 20006
Tel: (202) 663-6000
Fax: (202) 663-6363
steven.cherry@wilmerhale.com
april.williams@wilmerhale.com
claire.bergeron@wilmerhale.com

Terry M. Henry
Melanie S. Carter
BLANK ROME LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103
Tel: (215) 569-5644
Fax: (215) 832-5644
THenry@blankrome.com
MCarter@blankrome.com

Counsel for Defendant Apotex Corp.

/s/ Erik T. Koons

John M. Taladay

Erik T. Koons

Stacy L. Turner

Christopher P. Wilson

BAKER BOTTS LLP

700 K Street NW

Washington, DC 20001

Tel: (202) 639-7700

Fax: (202) 639-7890

john.taladay@bakerbotts.com

erik.koons@bakerbotts.com

stacy.turner@bakerbotts.com

christopher.wilson@bakerbotts.com

Lauri A. Kavulich

Ann E. Lemmo

CLARK HILL PLC

2001 Market St, Suite 2620

Philadelphia, PA 19103

Tel: (215) 640-8500

Fax: (215) 640-8501

lkavulich@clarkhill.com

alemmono@clarkhill.com

Lindsay S. Fouse

CLARK HILL PLC

301 Grant St, 14th Floor

Pittsburgh, PA 15219

Tel: (412) 394-7711

Fax: (412) 394-2555

lfouse@clarkhill.com

*Counsel for Defendant Sun Pharmaceutical
Industries, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL 2724
16-md-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFE

*The State of Connecticut et al v.
Aurobindo Pharma USA, Inc., et
al*

Civil Action No.: 17-cv-3768-CMR

**[PROPOSED] ORDER GRANTING DEFENDANTS' LEAVE TO FILE
RESPONSE**

AND NOW, this _____ day of _____, 2021, upon consideration of the Defendants' Motion for Leave to File a Response in Further Support of Their Notice of Supplemental Authority, it is hereby **ORDERED** that Defendants' Motion is **GRANTED**. Defendants are permitted to file the Response, which is attached as Exhibit 1 to their Motion for Leave to File.

IT IS SO ORDERED.

BY THE COURT:

HON. CYNTHIA M. RUFE